

**REMARKS/ARGUMENTS**

**1.) Claim Amendments**

The Applicants have cancelled claims 1-39 and have added claims 40-113. Accordingly, claims 40-113 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

**2.) Claim Rejections – 35 U.S.C. § 102(b)**

The Examiner rejected claims 1-4, 6, 8, 10-15, 17-20, 22-29, 31-32, 34-35 and 37-39 under 35 U.S.C. § 102(b) as being anticipated by Posti (WO 98/48586). The Applicants have canceled claims 1-4, 6, 8, 10-15, 17-20, 22-29, 31-32, 34-35 and 37-39 and added new claims which are distinguishable over Posti. In particular, Posti is directed to algorithms for selecting a physical channel in a GSM/DCS cellular radio network based on interference. See page 4, lines 24-35 of Posti. The present invention claims algorithms operable between units (further limited to specific operations between a master unit and at least one slave unit) for selecting links based on multi-path fading. It is well known in the art that solutions directed to solving interference problems are entirely different from those associated with multi-path fading. Posti does not address the issues caused by multi-path fading. The Examiner's consideration of the new claims is respectfully requested.

**3.) Claim Rejections – 35 U.S.C. § 103(a)**

The Examiner rejected claims 7, 16, 30, 33 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Posti in view of Haartsen (US 6,519,460). The Applicants have canceled claims 7, 16, 30, 33 and 39 and new claims 40-113 are not disclosed nor suggested by Posti and Haartsen. Haartsen discloses aspects of a frequency hopping link among a master unit and slave units, and does not disclose, nor suggest with Posti the claimed algorithms (and units implementing same) for solving multi-path fading issues. The Examiner's consideration of the new claims is respectfully requested.

The Examiner rejected claims 9, 21 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Posti in view of Israelsson (WO 93/26100). The Applicants have canceled claims 9, 21 and 36. New claims 40-113 are not disclosed nor suggested by Posti and Israelsson. Israelsson discloses hand-off operations in a mobile telecommunications system, and does not disclose, nor suggest with Posti the claimed algorithms for solving fading issues. The Examiner's consideration of the amended claims is respectfully requested.

**4.) Prior Art Not Relied Upon**

In the Conclusion paragraph of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicants' disclosure. None of the cited references (Honkanen, Koprivica, Gunnarsson, Solve, Haartsen, Partyka, Hamabe) alone disclose, nor together suggest, the claimed invention.

**CONCLUSION**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 40-113.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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